THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6690 of 2006

Dt.4.4.2006

Between:

The Lam Labor Contract Co-operative
Society Ltd., Lam Village, Tadkonda Mandal,
Guntur District … Petitioner

And

The Assistant Director of Mines & Geology,
Guntur and others
…Respondents

ORDER:

The petitioner questions the action of the first respondent in inviting the 4th respondent for inspection, survey and demarcation of the applied area on 5.4.2006 as illegal and contrary to provisions of the Mines and Minerals (Development & Regulation) Act, 1957 and the Rules made thereunder.

The petitioner is a Co-operative Society and its members are involved in the business of quarrying and cutting of stone. The case of the petitioner is that quarry lease for the mineral – road metal to an extent of Ac.17.82 in Sy.No.199/A of Lam

Village, Tadikonda Mandal, Guntur District has been granted in favour of the petitioner for a period of ten years and for renewal of the same the petitioner has filed an application under Rule 13(2) of Andhra Pradesh Minor Mineral Concession Rules, 1966 well in advance. When the said application has not been considered for a long time, the petitioner filed W.P.No.26139 of 2005 before this Court and obtained interim direction in W.P.M.P.No.33571 of 2006 on 7.12.2005 directing the Assistant Director of Mines and Geology to issue transport permits for transportation of road metal in favour of the petitioner society. While so, the 4th respondent filed an application on 23.5.2005 for grant of quarry lease for a period of ten years to an extent of 2.000 Hectares in respect of the same Sy.No.199/A(P) of Lam Village. It is stated that the said area applied by the 4th respondent for quarry lease is falling on the upper level of the existing quarry of the petitioner and therefore as per instructions of the Directorate General of Mines Safety, Government of India vide Lr.No.Genl. 32(11)/74/200038-58, dt.8.10.1974 adequate precautions in respect of the leases already granted in working the mines and slopes of the hills have to be taken. It is stated that initially the said application of the 4th respondent was rejected by the Deputy Director of Mines and Geology, Guntur. Against which, the 4th respondent filed an appeal before the Director of Mines and Geology, Hyderabad and the said appeal was allowed by proceedings dt.14.2.2006 requesting the Assistant Director of Mines and Geology, Guntur to conduct re-survey of the applied area as per the directions of the Director of Mines and Geology, Hyderabad and resubmit the revised proposals in the matter. Accordingly, the first respondent issued the impugned letter dated 21.3.2006 to the 4th respondent requesting to attend the joint survey proposed on 5.4.2006 and copy of the same is also marked to the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology on behalf of respondents 1 to 3.

The learned counsel for the petitioner submits that the consideration of the quarry lease application in favour of the 4th respondent in respect of the upper level of the existing mines of the petitioner is illegal and contrary to the said instructions of the Directorate General of Mines Safety, Government of India.

Having regard to the facts and circumstances of the case, I am not inclined to

express any opinion with regard to the merits of the case as the said proposed survey on the upper level of the existing lease is a matter to be enquired into and necessary proposals have to be submitted by the first respondent.

Accordingly, the first respondent is directed to keep in view of the instructions dated 8.10.1974 of the Directorate General of Mines Safety, Government of India, addressed to the Secretary to the Government, Industries and Commerce (Mines-I) Department, Government of Andhra Pradesh, Hyderabad, while sending proposals with regard to the grant of quarry lease in the said area.

The writ petition is accordingly disposed of. No order as to costs.

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V.ESWARAIAH, J.

4.4.2006

Note: Issue copy within three days

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